APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	M	ATTORNEY DOCKET NO.
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MERCHANT GOULD SMITH EDELL
WELTER AND SCHMIDT
WESTWOOD GATEWAY II SUITE 400
11150 SANTA MONICA BLVD
LOS ANGELES CA 90025

VU, T	EXAMINER

ART UNIT	PAPER NUMBER
	4

DATE MAILED: 10/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on *Feb 11, 1997* .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ____3____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-30* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-30* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

DETAILED ACTION

Drawings

1.   This application has been filed with informal drawings which are acceptable for

examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2.   For ease of referencing, the Applicant is requested to number the lines of the claims

according to the number of the lines of the claims, not according to the line number of the page.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use
> or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,11,12 and 13-30 are rejected under 35 U.S.C. § 102 as being unpatentable

over Cookson et al [5,598,276]

As per claim 1, Cookson disclose *a method of transmitting a data segment in a*

stream using a write module of the type which implements a selected one of a plurality of

versions of a streaming protocol by saying a system and method in which multiple versions of the

same motion picture are stored on the same software carrier [col 1 line 55]

(a) *outputting a first stream of data according to a first version of the streaming protocol* such as

video information is stored in compressed digital signal [col 5 line 60]; and

(b) *sequentially appending additional streams of data to the first stream of data according to*

each subsequent version of the streaming protocol up to and including the selected version, if the

selected version of the streaming protocol is not the first version of the streaming protocol such

as In a two-version carrier, each of the video and audio tracks contains three types of information.

If the letters A and B are used to represent two different versions of the same material, with the

letter C being used to represent that part of the overall recording which is common to the

two versions, sections of the track can be identified by the letters A, B and C. If the A version is

to be viewed, then all A and C sections must be played; if the B version is to be viewed, then all B

and C sections must be played. [col 2 line 34-42]. By this rationale claim 1 is rejected.

As per claim 2, Cookson disclose *the step of receiving the data segment from a data*

stream using a read module of the type which implements a second selected one of the plurality

of versions of the streaming protocol like VCR decoder [fig 2].

the receiving step including the steps of: receiving the first stream of data; if the second

selected version is earlier than the first selected version, receiving each additional stream data

according to each subsequent version of the streaming protocol up to and including the second

selected -version, and disregarding any remaining data in the data segment; if the second

selected version is equal to or later than the first selected version, sequentially receiving the

additional streams of data according to each subsequent version of the streaming protocol up to

and including the second selected version by saying since the C blocks are processed for both

versions, there is no need ever to skip over a group of C blocks. Depending on which version is

being viewed, however, all A blocks are skipped, or all B blocks are skipped.[col 2 line 52]; and

Cookson disclose the *testing, prior to receiving each additional stream of data, whether an end*

of the data segment has been detected, and if so, terminating reception of the data segment prior

to receiving the additional stream of data according to the second selected version by saying

Earlier, it was the default standard that was tested against the authorized standards read from the

disk. This time it is the default audio language (either the default language on power-up or a

different language selected by the user if the menu key was operated) that is compared with all of

those available. [col 24 line 26] By this rationale claim 2 is rejected.

As per claim 3 Cookson disclose *the data segmemt an object* such as data block [col 6 line

47]. By this rationale claim 3 is rejected.

As per claim 4 Cookson disclose *the data segment includes all of the data necessary to*

reconstruct the object; wherein the data stream is seria by saying the serial block number is one

of the first things that is read [col 28 line 54]. By this rationale claim 4 is rejected.

As per claim 5, Cookson disclose *the step of initializing object data that is not received*

from the data stream to a default value by saying there are four default settings which are thus

determined in order to configure the system [col 22 line 59].By this rationale claim 5 is`rejected

As per claim 6, Cookson disclose *the transmitting an object type for the data segment;*

and receiving the object type, including the steps of allocating and initializing an object when

receiving the data segment based upon the object type such as the data block which is being

processed at the moment is read and loaded into the several buffers, following which another data block may be read [col 29 line 10]. By this rationale claim 6 is rejected.

As per claim 11, Cookson disclose *the data segment is stored in a current context for the data stream; if so, transmitting an alias tag in lieu of segment; and not, storing the data segment in the current context* by saying most blocks will contain 00 pointer flags and no pointers. (The 00 code is the only one without a following pointer field.) That is because once a frame of either version is being played, or once a frame of the common material is being played, it is most likely that the next frame will be of the same type. Consequently, a 00 code alone does the job. The net result is that two versions of the same motion picture can be stored on the disk.

By this rationale claim 11 is rejected

As per claim 12, Cookson disclose *the data is a non-random access data stream* by saying data is stored on the disk in blocks.[col 2 line 44]. By this rationale claim 12 is rejected

As per claims 13-30 contain the same limitation of claims 1-6, 11 . By this rationale claims 13-30 are rejected.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Cookson et al [5,598,276] in view of Fuller et al [5,767,894] and further in view of Fielding et al [Http, RFC-2068]

As per claim 7,8 Cookson et al disclose the video system but does not teach *the read and write modules are resident on the same computer or separate computer.*However , Fuller et al disclose the video distribution system which could transmit a video programming to customer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to merge the Fuller's video distribution system to Cookson video system which would provide the customer more choices to select the different versions of data stream. It would be a design by choice to select the data on local hard disk or local VCR [on the same machine] or through the network [on separate machine].

By this rationale claims 7,8 are rejected

As per claim 9 Cookson-Fuller do not explicit disclose *delimiting the data segment in the data stream begin and end tags* in video distribution system . However Fielding disclose the technique using tags on data stream to verify its function by teaching Language tags and entity tags [Fielding Http, 3.10-3.11]. Therefore , the skilled artisan would be motivated to merged the Fielding teaching into Cookson-Fuller video system to expand through internet and enhance the quality of data transmission through the system which using multi-version protocol. By this rationale claim 9 is rejected.

As per claim 10 Cookson-Fuller-Fielding disclose *no additional tags are embedded in the data segment between the begin and tags* by saying At the end of the software there is a sync word [or tags] which is unique in the sense that this word is not allowed to occur anywhere in the overall data stream. When the sync word pattern appears, it is an indication that the preceding data field has come to an end, and a new field follows [Cookson col 11 line 64]. By this rationale claim 10 is rejected.

Conclusion

5.   All claims are rejected.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643. The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Frank Asta*, can be reached on *(703) 305-3817 or via e-mail addressed to [Frank.Asta@uspto.gov]*. The fax number for this Group is (703) 308-6606.

       Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thong.vu@uspto.gov**].

       All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

       Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thong Vu
Oct 1, 1998

FRANK J. ASTA
SUPERVISORY PATENT EXAMINER
GROUP 2700